

IN THE WATER COURT OF THE STATE OF MONTANA  
UPPER MISSOURI DIVISION  
JEFFERSON RIVER BASIN (41G)  
PRELIMINARY DECREE

\*\*\*\*\*

CLAIMANTS: 105 Trails End Lane LLC; BFR Family  
Limited Partnership LLLP

OBJECTORS: 105 Trails End Lane LLC; BFR Family  
Limited Partnership LLLP

COUNTEROBJECTOR: BFR Family Limited Partnership  
LLLP

NOTICE OF INTENT TO APPEAR: BFR Family Limited  
Partnership LLLP

**CASE 41G-0398-R-2021**

41G 30556-00

41G 30561-00

41G 30564-00

41G 30565-00

41G 30566-00

41G 197155-00

41G 197156-00

Split Claims:

41G 30159531

41G 30159532

**SECOND ORDER AMENDING AND ADOPTING MASTER'S REPORT**

Pursuant to Montana Code Annotated, Section 85-2-233(5), Case 41G-0398-R-2021 was assigned to Senior Water Master Madeleine Weisz. The Water Master filed a Report containing Findings of Fact and Conclusions of Law with the Clerk of Court. Copies of the Report were served on the parties on April 28, 2023. On May 8, 2023, BFR Family Limited Partnership LLLP filed an Objection to the Master's Report indicating a correction was needed.

An Order Amending and Adopting Master's Report was issued on May 22, 2023 in an attempt to correct the source names associated with the points of diversion for claim 41G 30159532. Due to a database restriction the abstract attached to the Order Amending and Adopting Master's Report still did not accurately reflect the sources for the points of

diversion for claim 41G 30159532. BFR filed an Objection requesting the abstract errors be corrected. The Case was reassigned to the Master for further proceedings. The database restrictions were explained to the parties and the parties were provided a chance to indicate their preference for how to correct the error. On July 18, 2023, BFR filed an unopposed motion to amend the abstract for claim 41G 30159532.

BFR explains that water from both Camp Creek and South Willow Creek is used under claim 41G 30159532. However, because both points of diversion divert water from South Willow Creek, the database does not permit Camp Creek from being listed under the “source” element. To adequately depict the historical use of the water given this database restriction, the abstract will identify South Willow Creek as the source for both points of diversion, and the following information remark will appear on the claim explaining the use of Camp Creek Water:

WATER FROM CAMP CREEK IS CONVEYED TO SOUTH WILLOW CREEK WHICH IS  
USED AS A NATURAL CARRIER TO POINTS OF DIVERSION NOS 1 AND 2.

The Court has reviewed the Water Master's Findings and Conclusions. Pursuant to Rule 53(e), Montana Rules of Civil Procedure, the Court **ADOPTS** the Master's Report with the above referenced amendments.

Post Decree Abstracts are attached to this Order to confirm the correction has been made in the statewide database.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service via Electronic Mail:**

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**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**JEFFERSON RIVER**  
**BASIN 41G**

**Water Right Number:** 41G 30556-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** 105 TRAILS END LANE LLC  
PO BOX 220  
HARRISON, MT 59735 0220

**Priority Date:** FEBRUARY 27, 1906

**Type of Historical Right:** FILED

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

**Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**Source Name:** UNNAMED TRIBUTARY OF SOUTH WILLOW CREEK

**Source Type:** GROUNDWATER

**Source Name:** SPRING, UNNAMED TRIBUTARY OF SOUTH WILLOW CREEK

**Source Type:** GROUNDWATER

ALSO KNOWN AS SPRING GULCH SPRING

SPRING

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Tw</u>	<u>Rge</u>	<u>County</u>
1		SWNESW	27	2S	2W	MADISON

**Source Name:** SPRING, UNNAMED TRIBUTARY OF SOUTH WILLOW CREEK

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** FLOWING

2		N2SW	27	2S	2W	MADISON
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**Source Name:** UNNAMED TRIBUTARY OF SOUTH WILLOW CREEK

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Tw</u>	<u>Rge</u>	<u>County</u>
1			N2SW	27	2S	2W	MADISON

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
JEFFERSON RIVER  
BASIN 41G**

**Water Right Number:** 41G 30561-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** BFR FAMILY LIMITED PARTNERSHIP LLLP  
PO BOX 456  
ENNIS, MT 59729 0456

**Priority Date:** JULY 13, 1909

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FURROW/FLOOD

**Flow Rate:** 1.00 CFS

**Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 100.00

**Source Name:** SPRING, UNNAMED TRIBUTARY OF SOUTH WILLOW CREEK

**Source Type:** GROUNDWATER  
ALSO KNOWN AS CRYSTAL SPRING

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSESW	28	2S	2W	MADISON

**Period of Diversion:** MAY 15 TO OCTOBER 15

**Diversion Means:** DIKE

**Period of Use:** MAY 15 TO OCTOBER 15

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	20.00		SESW	28	2S	2W	MADISON
2	80.00		W2SE	28	2S	2W	MADISON
<b>Total:</b>	100.00						

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
JEFFERSON RIVER  
BASIN 41G**

**Water Right Number:** 41G 30564-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** BFR FAMILY LIMITED PARTNERSHIP LLLP  
PO BOX 456  
ENNIS, MT 59729 0456

**Priority Date:** DECEMBER 31, 1902

**Type of Historical Right:** DECREED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FURROW/FLOOD

**Flow Rate:** 282.74 GPM

**Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 128.00

**Source Name:** SOUTH WILLOW CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESESW	28	2S	2W	MADISON
<b>Period of Diversion:</b>	MAY 15 TO OCTOBER 15					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	CARTER DITCH					
2		SWSWSE	21	2S	2W	MADISON
<b>Period of Diversion:</b>	MAY 15 TO OCTOBER 15					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	BOYER DITCH					
3		NWNWSE	28	2S	2W	MADISON
<b>Period of Diversion:</b>	MAY 15 TO OCTOBER 15					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	HONSINGER DITCH					
<b>Period of Use:</b>	MAY 15 TO OCTOBER 15					

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	22.00		NWSE	28	2S	2W	MADISON
2	3.00		NWNESE	28	2S	2W	MADISON
3	5.00		NWSWSE	28	2S	2W	MADISON

4	65.00	W2NE	28	2S	2W	MADISON
5	8.00	SWSWSE	21	2S	2W	MADISON
6	20.00	E2NESW	21	2S	2W	MADISON
7	5.00	NESESW	21	2S	2W	MADISON
<b>Total:</b>						
	<u>128.00</u>					

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
JEFFERSON RIVER  
BASIN 41G**

**Water Right Number:** 41G 30565-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** BFR FAMILY LIMITED PARTNERSHIP LLLP  
PO BOX 456  
ENNIS, MT 59729 0456

**Priority Date:** DECEMBER 31, 1887

**Type of Historical Right:** DECREED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FURROW/FLOOD

**Flow Rate:** 2.50 CFS

**Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 128.00

**Source Name:** SOUTH WILLOW CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESESW	28	2S	2W	MADISON
<b>Period of Diversion:</b>	MAY 15 TO OCTOBER 15					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	CARTER DITCH					
2		SWSWSE	21	2S	2W	MADISON
<b>Period of Diversion:</b>	MAY 15 TO OCTOBER 15					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	BOYER DITCH					
3		NWNWSE	28	2S	2W	MADISON
<b>Period of Diversion:</b>	MAY 15 TO OCTOBER 15					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	HONSINGER DITCH					
<b>Period of Use:</b>	MAY 15 TO OCTOBER 15					

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	22.00		NWSE	28	2S	2W	MADISON
2	3.00		NWNESE	28	2S	2W	MADISON
3	5.00		NWSWSE	28	2S	2W	MADISON



4	65.00	W2NE	28	2S	2W	MADISON
5	8.00	SWSWSE	21	2S	2W	MADISON
6	20.00	E2NESW	21	2S	2W	MADISON
7	5.00	NESESW	21	2S	2W	MADISON
<b>Total:</b>						
	<u>128.00</u>					

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
JEFFERSON RIVER  
BASIN 41G**

**Water Right Number:** 41G 30566-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** 105 TRAILS END LANE LLC  
PO BOX 220  
HARRISON, MT 59735 0220

**Priority Date:** JULY 6, 1910

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FURROW/FLOOD

**Flow Rate:** 0.95 CFS

**Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 160.00

**Source Name:** CAMP CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSWNE	33	2S	2W	MADISON

**Period of Diversion:** MARCH 15 TO OCTOBER 30

**Diversion Means:** HEADGATE

**Ditch Name:** ALLEN DITCH

**Period of Use:** MARCH 15 TO OCTOBER 30

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	100.00		SE	28	2S	2W	MADISON
2	60.00		N2SW	27	2S	2W	MADISON
<b>Total:</b>	160.00						

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
JEFFERSON RIVER  
BASIN 41G**

**Water Right Number:** 41G 197155-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** 105 TRAILS END LANE LLC  
PO BOX 220  
HARRISON, MT 59735 0220

**Priority Date:** DECEMBER 31, 1875

**Type of Historical Right:** DECREED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**\*Flow Rate:** 1.25 CFS

**Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 219.00

**Source Name:** SOUTH WILLOW CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	6	3S	2W	MADISON

**Period of Diversion:** MARCH 15 TO OCTOBER 30

**Diversion Means:** HEADGATE

**Ditch Name:** NORWEGIAN DITCH

**Period of Use:** MARCH 15 TO OCTOBER 30

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	8.00		S2S2SE	27	2S	2W	MADISON
2	114.00		NE	34	2S	2W	MADISON
3	80.00		SE	34	2S	2W	MADISON
4	17.00		E2SW	34	2S	2W	MADISON
<b>Total:</b>	219.00						

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
JEFFERSON RIVER  
BASIN 41G**

**Water Right Number:** 41G 197156-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** 105 TRAILS END LANE LLC  
PO BOX 220  
HARRISON, MT 59735 0220

**Priority Date:** DECEMBER 31, 1865

**Type of Historical Right:** DECREED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 390.00 GPM

**Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 219.00

**Source Name:** SOUTH WILLOW CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	6	3S	2W	MADISON

**Period of Diversion:** MARCH 15 TO OCTOBER 30

**Diversion Means:** HEADGATE

**Ditch Name:** NORWEGIAN DITCH

**Period of Use:** MARCH 15 TO OCTOBER 30

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	8.00		S2S2SE	27	2S	2W	MADISON
2	114.00		NE	34	2S	2W	MADISON
3	80.00		SE	34	2S	2W	MADISON
4	17.00		E2SW	34	2S	2W	MADISON

**Total:** 219.00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
JEFFERSON RIVER  
BASIN 41G**

**Water Right Number:** 41G 30159531 STATEMENT OF CLAIM

**Version:** 1 -- ORIGINAL RIGHT

**Status:** ACTIVE

**Owners:** BFR FAMILY LIMITED PARTNERSHIP LLLP  
PO BOX 456  
ENNIS, MT 59729 0456

**Priority Date:** FEBRUARY 27, 1906

**Type of Historical Right:** FILED

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

**Volume:** THIS WATER RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**Source Name:** UNNAMED TRIBUTARY OF SOUTH WILLOW CREEK

**Source Type:** GROUNDWATER

**Source Name:** SPRING, UNNAMED TRIBUTARY OF SOUTH WILLOW CREEK

**Source Type:** GROUNDWATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNE	27	2S	2W	MADISON

**Source Name:** SPRING, UNNAMED TRIBUTARY OF SOUTH WILLOW CREEK

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** FLOWING

2		W2NE	28	2S	2W	MADISON
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**Source Name:** UNNAMED TRIBUTARY OF SOUTH WILLOW CREEK

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			W2NE	28	2S	2W	MADISON

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
JEFFERSON RIVER  
BASIN 41G**

**Water Right Number:** 41G 30159532 STATEMENT OF CLAIM

**Version:** 2 -- ORIGINAL RIGHT

**Status:** ACTIVE

**Owners:** BFR FAMILY LIMITED PARTNERSHIP LLLP  
PO BOX 456  
ENNIS, MT 59729 0456

**Priority Date:** JULY 6, 1910

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FURROW/FLOOD

**Flow Rate:** 1.55 CFS

**Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 260.00

**Source Name:** SOUTH WILLOW CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESESW	28	2S	2W	MADISON

**Period of Diversion:** MARCH 15 TO OCTOBER 30

**Diversion Means:** HEADGATE

**Ditch Name:** CARTER DITCH

2		SWSWSE	21	2S	2W	MADISON
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**Period of Diversion:** MARCH 15 TO OCTOBER 30

**Diversion Means:** HEADGATE

**Ditch Name:** BOYER DITCH

WATER FROM CAMP CREEK IS CONVEYED TO SOUTH WILLOW CREEK WHICH IS USED AS A NATURAL CARRIER TO POINTS OF DIVERSION NOS 1 AND 2.

**Period of Use:** MARCH 15 TO OCTOBER 30

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	60.00		SE	28	2S	2W	MADISON
2	20.00		E2SWNE	28	2S	2W	MADISON
3	20.00		E2NWNE	28	2S	2W	MADISON
4	80.00		E2NE	21	2S	2W	MADISON
5	40.00		SENW	21	2S	2W	MADISON
6	20.00		E2E2SW	21	2S	2W	MADISON

7	20.00	W2W2SE	21	2S	2W	MADISON
<b>Total:</b>	<u>260.00</u>					